

REMARKS/DISCUSSION OF ISSUES

Claims 3 and 4 were allowed during prosecution of the parent application, and accordingly are canceled. This Preliminary Amendment also cancels claim 8, without prejudice or disclaimer of the underlying subject matter, and adds new claims 9-18.

Accordingly, claims 1-2, 5-7, and 9-18 remain pending in the application.

This is a Preliminary Amendment; no Office action has yet been received.

Saito et al. EP 0837579A2 ("Saito") was cited in connection with the parent application, from which this application claims priority. Applicants respectfully submit that the claims 1-2, 5-7, and 9-18 are all patentable over Saito for at least the following reasons.

Claim 1

Among other things, in the system of claim 1 a device of a first cluster holds a stored **software representation** of **operational features** of a selected device of a second cluster.

Applicants respectfully submit that Saito does not disclose a system including this feature.

Saito teaches that the AV control terminals 2, 5 in FIG. 1 store **attribute** information regarding devices of the other cluster. However, Saito does not teach that the control terminals 2, 5 store any software representation of operational features of devices of the other cluster. In that regard, inspection of the table in FIG. 6 of Saito indicates that the AV control terminals 2 and 5 only store general attributes of a device on the other cluster (e.g., "DVD Player, "TV, " etc.). Saito does not teach that the AV control terminals store an actual software representation (e.g., a Device Control Module) of operational features of devices connected to the other cluster that might, for example, permit a device in the first cluster to actually control a device in the second cluster.

In this regard, for example, Saito teaches that when a user in one location (6) wants to receive video from a selected device (1) on a cluster at a different location, the user has to operate a first AV control terminal (5) associated with the cluster at the user's location. This first AV control terminal (5) then communicates with a

second AV control terminal (2) that belongs to the same cluster as the selected device (1). **It is that second AV control terminal which then is able to actually transmit an instruction to the selected device. See, e.g., col. 23, lines 40-43. Evidently, the first AV control device does not possess any software representation of operational features of the selected device that would enable it to interact with and control the selected device itself.**

This is consistent with the teaching of Saito that the AV control terminal only stores general attributes of devices on another cluster, and does not possess any software representation of operational features of the devices.

During prosecution of the parent application, the Examiner cited col. 22, line 52 - col. 23, line 9 of Saito, stating that:

"Saito discloses more than general attributes of a device on the other cluster (e.g. a DVD player, TV etc.) suggested by the applicant."

However, it was not merely the Applicants' opinion that the cited text at col. 22, line 52 - col. 23, line 9 discloses merely attributes (as opposed to a software representation of operational features, as recited in claim 1). Saito itself specifically describes the stored data as attribute information! In that regard, Applicants respectfully submit that the misunderstanding may stem from an apparent inadvertent error by the Examiner when citing Saito.

The Examiner wrote:

"Saito discloses in col. 22 line 52 to col. 23, line 9:

The AV terminal 2 and 5 exchange the collected information with each other (step S6). For this information exchange, each one transmits the collected information to the IP address of the other by using IP packets. As a result, in each AV control terminal 2, 5, a table with contents shown in Fig. 6 is produced, for example. **Namely by carrying out this information exchange between the AV control terminals 2 and 5, each AV control terminal 2, 5 can collect various**

information regarding AV devices which are connected with a network to which the other AV control terminal belongs, such as what AV devices there are, what contents they have, how many media they have, what 1394 addresses they have, etc., in addition to the information regarding AV devices on the 1394 bus to which it belongs, on the table of Fig. 6.”

(emphasis added by the Examiner)

However, that is not what Saito actually says. The Examiner apparently accidentally omitted a small, but significant, portion of the text. What Saito actually says at col. 22 line 52 to col. 23, line 9: is:

“The AV terminal 2 and 5 exchange the collected information with each other (step S6). For this information exchange, each one transmits the collected information to the IP address of the other by using IP packets. As a result, in each AV control terminal 2, 5, a table with contents shown in Fig. 6 is produced, for example. Namely by carrying out this information exchange between the AV control terminals 2 and 5, each AV control terminal 2, 5 can collect various information **(attribute information)** regarding AV devices which are connected with a network to which the other AV control terminal belongs, such as what AV devices there are, what contents they have, how many media they have, what 1394 addresses they have, etc., in addition to the information regarding AV devices on the 1394 bus to which it belongs, on the table of Fig. 6.”

(emphasis added).

Note that the key parenthetical phrase “**attribute information**” appears in the original text of Saito but for some reason was overlooked and not repeated by the Examiner when quoting the text. Thus, somehow the Examiner apparently missed the fact that Saito itself specifically describes the collected information as attributes! So, the fact that the cited text discloses nothing but collecting attributes (as opposed

to a software representation of operational features, as recited in claim 1) is not just something “suggested by the applicants,” but indeed it is something that is specifically stated by Saito!

Furthermore, the actual information mentioned Saito clearly does not pertain to any operational feature (e.g., a volume control, rewind control, picture-in-picture, etc.) of a device. Neither “what a device is,” nor “what it contains,” nor “what media it has,” nor “what 1394 address it has been assigned” is an **operational feature**, and certainly none of these things is “a software representation of operational features,” as recited in claim 1.

Accordingly, for at least these reasons, Applicants respectfully submit that the system of claim 1 is patentable over Saito.

Claims 2 and 5-7

Claims 2 and 5-7 all depend from claim 1 and are therefore deemed patentable over Saito for at least the reasons set forth above with respect to claim 1.

NEW CLAIMS 9-18

By this Preliminary Amendment, Applicants add new claims 9-18.

Applicants respectfully submit that each of these claims is supported by the original specification, and is patentable over Saito for at least the following reasons.

Claim 9

Among other things, in the system of claim 9 the software representation of operational features of the selected device of the second cluster represents a control system of the selected device. Such a feature is disclosed, for example, at page 9, lines 29-31. Applicants respectfully submit that Saito fails to disclose such a feature.

Accordingly, Applicants respectfully submit that claim 9 is allowable for at least these reasons, and for the reasons set forth above with respect to claim 1 from which it depends.

Claim 10

Among other things, in the system of claim 10 the software representation of operational features of the selected device of the second cluster comprises a Device

Control Module for the selected device. Such a feature is disclosed, for example, at page 9, lines 29-31.

Applicants respectfully submit that Saito fails to disclose such a feature.

A Device Control Module is a well-known term in the art having a specific meaning, as evidenced by the attached definition from the Home Audio Video Interoperability (HAVi) organization. Saito fails to make any mention whatsoever of Device Control Modules. Specifically, Saito discloses no Device Control Module anywhere in the text at col. 22, line 56-col. 23, line 9, which was cited during the prosecution of the parent application from which this application depends.

Accordingly, Applicants respectfully submit that claim 10 is allowable for at least these reasons, and for the reasons set forth above with respect to claim 1 from which it depends.

Claim 11

Among other things, in the system of claim 11, the software representation of operational features of the selected device of the second cluster is executed on the device of the first cluster wishing to interact with said selected device. Such a feature is disclosed, for example, at page 9, line 31 - page 10, line 1.

Applicants respectfully submit that Saito fails to disclose that any device of a first cluster **executes any software representation of operational features** of any selected device of a second cluster. Specifically, Saito does not disclose or even suggest any such feature in the text at col. 20, line 48-col. 21, line 12 or col. 22 line 56-col. 23, line 9, or in FIG. 6, which were cited during the prosecution of the parent application from which this application depends.

Accordingly, Applicants respectfully submit that claim 11 is allowable for at least these reasons, and for the reasons set forth above with respect to claim 1 from which it depends.

Claim 12

Among other things, in the system of claim 12 the selected device of the second cluster is a video recorder, and a software representation of operational features of the video recorder is executed on a set top box of the first cluster. Such a feature is disclosed, for example, at page 9, line 31 - page 10, line 1. Applicants

respectfully submit that Saito fails to disclose such a feature. Specifically, Saito does not disclose or even suggest any such feature in the text at col. 20, line 48-col. 21, line 12 or col. 22 line 56-col. 23, line 9, or in FIG. 6, which were cited during the prosecution of the parent application from which this application depends.

Accordingly, Applicants respectfully submit that claim 12 is allowable for at least these reasons, and for the reasons set forth above with respect to claim 1 from which it depends.

Claim 13

Among other things, the device of claim 13 includes means for storing a software representation of operational features of a second device that is connected to a different one of the data buses than the data bus to which the first device itself is connected. Such a feature is disclosed, for example, at page 6, line 25 - page 7, line 7.

As explained above with respect to claim 1, Applicants respectfully submit that Saito fails to disclose any **means for storing a software representation of operational features of a second device** that is connected to a different one of the data buses than the data bus to which the first device itself is connected.

Accordingly, Applicants respectfully submit that claim 13 is allowable for at least these reasons.

Claim 14

Among other things, in the device of claim 14 the software representation of operational features of the second device comprises a Device Control Module for the selected device including an abstraction of a control system of the second device.

Applicants respectfully submit that Saito fails to disclose such a feature. Indeed, Saito fails to make any mention whatsoever of Device Control Modules.

Accordingly, Applicants respectfully submit that claim 14 is allowable for at least these reasons, and for the reasons set forth above with respect to claim 13 from which it depends.

Claim 15

Among other things, the means for storing stores a generic Device Control Module for a generic device.

Applicants respectfully submit that Saito fails to disclose such a feature. Indeed, Saito fails to make any mention whatsoever of Device Control Modules, or particularly, a Device Control Module of a generic device.

Accordingly, Applicants respectfully submit that claim 15 is allowable for at least these reasons, and for the reasons set forth above with respect to claim 13 from which it depends.

Claim 16

Among other things, in the system of claim 16 a first device of a first cluster stores a software representation of operational features of a selected device of a second cluster, permitting a second device of the first cluster to control the selected device by executing the software representation. Such a feature is disclosed, for example, at page 9, line 29 - page 10, line 9. Applicants respectfully submit that Saito fails to disclose such a feature.

Accordingly, Applicants respectfully submit that claim 16 is allowable for at least these reasons.

Claim 17

Among other things, in the system of claim 17 the software representation of operational features of the selected device of the second cluster comprises a Device Control Module for the selected device. Such a feature is disclosed, for example, at page 9, lines 29-31. Applicants respectfully submit that Saito fails to disclose such a feature, or to make any mention whatsoever of Device Control Modules.

Accordingly, Applicants respectfully submit that claim 17 is allowable for at least these reasons, and for the reasons set forth above with respect to claim 16 from which it depends.

Claim 18

Among other things, in the system of claim 18, the selected device of the second cluster is a video recorder, and a software representation of operational features of the video recorder is executed on a set top box of the first cluster. Such a feature is disclosed, for example, at page 9, line 31 - page 10, line 1. Applicants respectfully submit that Saito fails to disclose such a feature.

Accordingly, Applicants respectfully submit that claim 18 is allowable for at

least these reasons, and for the reasons set forth above with respect to claim 16 from which it depends.

CONCLUSION

Accordingly, examination of the application on its merits is now respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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